

REMARKS

Claims 1-31 are currently pending in the patent application. All of the claims stand rejected. The Examiner has rejected Claims 1, 9, 17, 27, 28, 30, and 31 under 35 USC 102(b) as anticipated by Fowlow; Claims 2-8, 18, 21-23, and 29 under 35 USC 103 as unpatentable over the teachings of Fowlow in view of Powers; Claims 10-13, and 15 under 35 USC 103 as being unpatentable over the teachings of Fowlow in view of Wallace; Claims 14 and 24-26 as being unpatentable over Fowlow in view of Powers, Wallace and Perlman; Claim 16 as unpatentable over Fowlow in view of Powers and DiGiorgio; and, Claims 19-20 as being unpatentable over Fowlow in view of Wallace and DiGiorgio. Based on the amendments to the claim language, and for the reasons set forth below, Applicants respectfully assert that all of the pending claims are patentable over the cited prior art.

Under the present invention, a user has a token comprising the user specific unique identifying attribute, preferably on a chip card, whereby the token uniquely identifies the user customized application and whereby the token communicates with the data processing device to obtain and display the user customized application to the user. The application may be "user customized" with regard to settings for applications (see: page 4, lines 16-19 and page 10, lines 3-5), additional data and/or cardholder preferences (page 6, lines 1-3), service identifiers

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for a card agent and registers (page 7, lines 17-19), personalized presentations (page 8, lines 9-14), and/or user defined combined applications (page 8, lines 17-20). The Specification contains multiple references to the user personalization (page 8), user customization (pages 3 and 8 and the Abstract), and user defining (pages 1, 4, 8 and 9 and the Abstract). All of the pending claims as now amended expressly recite the token having the user specific unique identifying attribute and the use thereof for configuring applications.

All of the claims rejections under 102 and 103 are premised on the applicability of the teachings of the Fowlow patent. The Fowlow patent is directed to a system and method for using a distributed object system to find and download Java applications. Under the Fowlow system, a client obtains the name of a base class, queries a naming service to determine which class server contains the needed base class, requests the code for the base class from the class server, and then retrieves the code either by reading the file locally or by repeating the process to locate and read the code. The Fowlow patent does not teach or suggest that a client has a token comprising a unique identifying attribute which is user-specific and which the client uses for communicating with a data processing device for obtaining user customized applications, as is now expressly recited in all of the amended claims. In contrast to the invention as claimed, the Fowlow system and method assumes that a client has a class name

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for obtaining access to any application in the class; however, the client does not seek access to a user customized application from that class. There is nothing in Fowlow which either teaches or suggests a client seeking access to a user customized application, let alone that a client has a unique token which can communicate with other entities to obtain access to a user customized application.

Under the Fowlow process, a client may know the class name (see: Col. 13, lines 3-5) but does not have any unique information to use in obtaining access to an application. The Fowlow client undertakes a multi-step process by which the client finds the class server and obtains the code for the base class. The Fowlow client does not, however, have any identifying information which uniquely represents client access to the code and which interacts with a data processing device for obtaining customized code. The Fowlow class name is not the same as nor suggestive of the unique identifying attribute, each unique application identifying attribute being user specific and being provided to call up at least one user customized software comprising at least one of an application identified by the unique application identifying attribute and software components to form the application of the present invention and there is no other teaching in Fowlow which is analogous to the claimed token.

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Applicants respectfully assert that the Fowlow patent does not anticipate or obviate the invention as claimed. For a patent to anticipate another invention under 35 USC § 102(b), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Fowlow patent clearly does not teach the claimed token comprising the user specific unique identifying attribute and use thereof, it cannot be maintained that the Fowlow patent anticipates each and every claim feature of Claim 1.

Applicants have again reviewed the additionally cited Wallace, Powers, Perlman, and DiGiorgio patents, and respectfully conclude that none of the cited patents provide the teachings which are missing from the Fowlow patent. Specifically, none of the cited patents teaches or suggests that a user have a token comprising a user specific unique identifying attribute for establishing access to user customized applications and for communicating with a data processing device to configure the user customized applications.

The Powers patent was cited for describing a chip card. Powers does not, however, provide any teachings regarding that chip card having a non-volatile memory for storing at least one user specific unique identifying attribute, as taught and claimed by the present application.

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With regard to the Wallace patent, which has been cited for teaching a card reader that facilitates communication between a memory card and a host computer, Applicants aver that Wallace does not teach or suggest that the card reader obtains or uses a user specific unique identifying attribute for accessing an application for a user.

The Perlman patent has been cited for its teachings regarding discovering the peripheral technology required and obtaining the necessary drivers. Perlman does not, however, teach or suggest user customized software (e.g., drivers) being obtained using a user specific unique identifying attribute.

Finally, the DiGiorgio patent is directed to a secure access token device whereby a user is authenticated using the token device. DiGiorgio uses the token to establish user access; however, it does not provide a user specific unique identifying attribute, each unique application identifying attribute being provided to call up at least one user customized software comprising at least one of an application identified by the unique application identifying attribute and software components to form the application.

Applicants respectfully assert that obviousness can only be established by references which either teach or suggest the claim features. Since none of the cited references teach or suggest apparatus and methods for providing and using a token including at least one user specific unique identifying attribute to obtain

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at least one user customized software, it cannot be concluded that the claims are anticipated or obviated by the cited art, alone or in combination. Accordingly, Applicants respectfully maintain that the pending claims are patentable over the cited art.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,

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